



General Assembly

January Session, 2001

***Raised Bill No. 6687***

LCO No. 3751

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING MERCURY EDUCATION AND REDUCTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) The General Assembly finds that mercury is a  
2       persistent and toxic pollutant that bioaccumulates in the environment,  
3       and that in order to create and maintain a healthful environment and  
4       protect public health, the virtual elimination of the discharge of  
5       anthropogenic mercury should be pursued.

6       Sec. 2. (NEW) As used in sections 1 to 18, inclusive, of this act:

7       (1) "Mercury" means elemental mercury and mercury compounds;

8       (2) "Mercury-added product" means a product, commodity,  
9       chemical or component of a product that contains mercury that is  
10      intentionally added to the product, commodity, chemical or  
11      component for any reason. "Mercury-added product" includes, but not  
12      limited to, formulated mercury-added products and fabricated  
13      mercury-added products. "Mercury-added product" does not include  
14      any packaging component, as defined in subdivision (3) of section 22a-  
15      255h of the general statutes;

16       (3) "Formulated mercury-added product" means a mercury-added  
17 product that is sold as a consistent mixture of chemicals, including, but  
18 not limited to, laboratory chemicals, materials used for cleaning,  
19 maintenance or disinfection, cosmetics, pharmaceuticals, coating  
20 materials, acids, alkalites, bleach, pharmaceutical products, stains,  
21 reagents, preservatives, fixatives, buffers and dyes;

22       (4) "Fabricated mercury-added product" means a mercury-added  
23 product that consists of a combination of individual components that  
24 combine to make a single unit, including, but not limited to, mercury-  
25 added measuring devices, lamps and switches;

26       (5) "Mercury fever thermometer" means a mercury-added product  
27 that is used for measuring body temperature, excluding a digital  
28 thermometer that includes a button cell battery containing mercury;

29       (6) "Mercury-added novelty" means a mercury-added product  
30 intended mainly for personal or household enjoyment or adornment,  
31 including, but not limited to, products intended for use as practical  
32 jokes, figurines, adornments, toys, games, cards, ornaments, yard  
33 statues and figures, candles, jewelry, holiday decorations or footwear  
34 or other items of apparel. A product is not a "mercury-added novelty"  
35 solely on the basis that it includes a removable button cell battery  
36 containing mercury;

37       (7) "Manufacturer" means any person, that (A) produces a mercury-  
38 added product, or (B) serves as an importer or domestic distributor of  
39 a mercury-added product produced outside the United States. In the  
40 case of a multi-component product, "manufacturer" means the last  
41 manufacturer to produce or assemble the product, unless the multi-  
42 component mercury-added product is produced outside the United  
43 States, in which case "manufacturer" means the importer or domestic  
44 distributor;

45       (8) "Person" means any individual, organization, partnership, joint  
46 venture, association, firm, limited liability company, corporation or

47 other entity, and includes a municipality, the federal government, the  
48 state or any instrumentality of the state, or other governmental entity  
49 and any officer or governing or managing body of any partnership,  
50 association, firm or corporation or any member or manager of a  
51 limited liability company;

52 (9) "School" means a public school, as defined in section 10-183b of  
53 the general statutes or a private elementary or secondary school,  
54 attendance at which meets the requirements of section 10-184 of the  
55 general statutes;

56 (10) "Vehicle" means any device capable of being moved upon a  
57 public highway and any device in, upon or by which any person or  
58 property is or may be transported or drawn upon a public highway,  
59 but does not include devices moved by human or animal power or  
60 used exclusively upon stationary rails or tracks;

61 (11) "Scrap metal" means used or discarded items that consist  
62 predominantly of ferrous metals, aluminum, brass, copper, lead,  
63 chromium, tin, nickel or alloys;

64 (12) "Solid waste" means unwanted or discarded solid, liquid,  
65 semisolid or contained gaseous material, including, but not limited to,  
66 demolition debris, material burned or otherwise processed at a  
67 resources recovery facility or incinerator, material processed at a  
68 recycling facility sludges or other residue from a water pollution  
69 abatement facility, water supply treatment plant or air pollution control  
70 facility;

71 (13) "Commissioner" means the Commissioner of Environmental  
72 Protection;

73 (14) "Department" means the Department of Environmental  
74 Protection;

75 (15) "Pollution abatement facility" means any equipment, plant,  
76 treatment works, structure, machinery, apparatus or land or any

77 combination thereof, acquired, used, constructed or operated for the  
78 storage, collection, reduction, recycling, reclamation, disposal,  
79 separation or treatment of water or wastes, or for the final disposal of  
80 residues resulting from the treatment of water or wastes, including,  
81 but not limited to, (A) pumping and ventilating stations, facilities,  
82 plants and works; (B) outfall sewers, interceptor sewers and collector  
83 sewers; and (C) other real or personal property and appurtenances  
84 incident to such facilities' use or operation;

85 (16) "Subsurface sewage disposal system" means a system consisting  
86 of a house or collection sewer, a septic tank followed by a leaching  
87 system, any necessary pumps or siphons and any groundwater control  
88 system on which the operation of the leaching system is dependent.

89 Sec. 3. (NEW) The commissioner may participate in the  
90 establishment and implementation of a regional, multi-state  
91 clearinghouse to assist in carrying out the requirements set forth in  
92 sections 1 to 18, inclusive, of this act and to help coordinate reviews of  
93 the manufacturers' notifications regarding mercury-added products,  
94 applications for phase-out exemptions, collection system plans,  
95 disclosures of mercury content, applications for alternative labeling or  
96 notification systems or both, education and outreach activities, and any  
97 other functions related to sections 1 to 18, inclusive, of this act. The  
98 clearinghouse may also maintain a list of all products containing  
99 mercury, including mercury-added products, a file on all exemptions  
100 granted by the states including, but not limited to, the exemptions in  
101 section 7 of this act, notification requirements by manufacturers  
102 including, but not limited to, the notification requirements contained  
103 in section 4 of this act, and a file of manufacturers' reports on the  
104 effectiveness of their collection systems.

105 Sec. 4. (NEW) (a) On and after January 1, 2002, no person shall offer  
106 any mercury-added product for sale or use by any means, including e-  
107 commerce, or distribute for promotional purposes in the state unless  
108 the manufacturer gives prior notification in writing to the

109 commissioner as provided in this section. Such notification, in a form  
110 prescribed by the commissioner, shall at a minimum include (1) a brief  
111 description of the product or category of products to be offered for sale  
112 or use or distributed; (2) an identification of each product by its  
113 mercury content in one of the following ranges: Less than zero to five  
114 milligrams, greater than five milligrams to ten milligrams, greater than  
115 ten milligrams to fifty milligrams, greater than fifty milligrams to one  
116 hundred milligrams, greater than one hundred milligrams to one  
117 thousand milligrams and greater than one thousand milligrams; (3) an  
118 identification of the purpose for mercury in each component of the  
119 product; and (4) the name and address of the manufacturer and the  
120 name, address and phone number of a contact person at the  
121 manufacturer. The manufacturer shall revise the information in the  
122 notification whenever there is significant change in the information or  
123 when requested by the commissioner.

124 (b) Any mercury-added product for which federal law preempts  
125 state authority over notice requirements is exempt from the  
126 requirements of this section.

127 (c) With the approval of the commissioner, the manufacturer may  
128 supply the information required in subdivisions (1) to (4), inclusive, of  
129 subsection (a) of this section for a product category rather than an  
130 individual product.

131 (d) Public disclosure of trade secrets submitted to the commissioner  
132 pursuant to this section shall be governed by the provisions of chapter  
133 14 of the general statutes. Notwithstanding the provisions of said  
134 chapter 14, the commissioner may provide the interstate clearinghouse  
135 with copies of such information and the commissioner and the  
136 interstate clearinghouse may compile or publish analyses or  
137 summaries of such information, provided the analyses or summaries  
138 do not identify any manufacturer or reveal any confidential  
139 information.

140 Sec. 5. (NEW) (a) Notwithstanding the provisions of section 6 of this

141 act, on and after July 1, 2002, no person shall offer for sale or use by  
142 any means, including e-commerce, or distribute for promotional  
143 purposes in the state any mercury-added novelty. A manufacturer that  
144 produces or sells mercury-added novelties shall notify retailers that  
145 sell mercury-added novelties about such product ban and inform such  
146 retailers of how to dispose of the remaining inventory in accordance  
147 with chapter 445 of the general statutes.

148 (b) Notwithstanding the provisions of section 6 of this act, on and  
149 after January 1, 2002, no person shall offer for sale or use by any  
150 means, including e-commerce, or distribute for promotional purposes  
151 mercury fever thermometers except by prescription written by a  
152 physician. A manufacturer of mercury fever thermometers shall  
153 provide the buyer or the recipient with notice of mercury content,  
154 instructions on proper disposal and instructions that clearly describe  
155 how to carefully handle the thermometer to avoid breakage and on  
156 proper cleanup should a breakage occur.

157 (c) On and after July 1, 2002, no school shall use or purchase for use  
158 or maintain inventories of bulk elemental mercury or mercury  
159 compounds. A manufacturer that produces, sells or distributes such  
160 materials shall notify schools about the provisions of this subsection in  
161 accordance with chapter 445 of the general statutes and instruct  
162 schools how to dispose of the remaining inventory properly. Mercury-  
163 added products other than bulk elemental mercury compounds are  
164 excluded from this subsection. The Commissioner of Environmental  
165 Protection, in consultation with the Commissioner of Education, shall  
166 examine the feasibility of implementing a program for the collection of  
167 bulk elemental mercury or mercury compounds at schools, and shall  
168 implement such a program within available appropriations.

169 (d) On and after July 1, 2002, no vocational dental education or  
170 training school shall use mercury amalgam unless such school has  
171 developed and implemented a plan approved by the commissioner  
172 that assures best management practices are used to prevent discharge

173 of mercury into the waters of the state, any pollution abatement facility  
174 or subsurface sewage disposal system, and to properly handle and  
175 recycle or dispose of waste elemental mercury and amalgam. Such  
176 plan shall provide for an education program for students regarding the  
177 hazards of mercury and best management practices.

178 (e) Notwithstanding the provisions of section 6 of this act, on and  
179 after July 1, 2002, no person shall offer for sale or use by any means,  
180 including e-commerce, or distribute for promotional purposes mercury  
181 dairy manometers. A manufacturer that produce or sell mercury dairy  
182 manometers shall notify retailers about the provisions of this  
183 subsection and how to dispose of the remaining inventory properly in  
184 accordance with chapter 445 of the general statutes. The Commissioner  
185 of Environmental Protection, in consultation with the Commissioner of  
186 Agriculture, shall examine the feasibility of implementing a collection  
187 and replacement program for dairy manometers, and shall implement  
188 such a program within available appropriations.

189 Sec. 6. (NEW) (a) Except as provided in section 7 of this act, no  
190 person shall offer for sale or use by any means, including e-commerce,  
191 or distribute for promotional purposes any mercury-added product if:  
192 (1) After July 1, 2003, the mercury content of the product exceeds one  
193 gram in the case of fabricated mercury-added products or two  
194 hundred fifty parts per million in the case of formulated mercury-  
195 added products; (2) on and after July 1, 2005, the mercury content of  
196 the product exceeds one hundred milligrams in the case of fabricated  
197 mercury-added products or fifty parts per million in the case of  
198 formulated mercury-added products; and (3) after July 1, 2007, the  
199 mercury content of the product exceeds ten milligrams in the case of  
200 fabricated mercury-added products or ten parts per million in the case  
201 of formulated mercury-added products.

202 (b) In the case of a product that contains one or more mercury-  
203 added products as a component, the phase-out limits specified in  
204 subsection (a) of this section apply to each component part or parts

205 and not to the entire product.

206 (c) For a product that contains more than one mercury-added  
207 products as a component, the phase-out limits specified in subsection  
208 (a) of this section apply to each component.

209 Sec. 7. (NEW) (a) On or before June 30, 2008, fluorescent lamps are  
210 exempt from the provisions of subsection (a) of section 6 of this act. On  
211 and after July 1, 2009, no person shall offer for sale or use by any  
212 means, including e-commerce, or distribute for promotional purposes,  
213 fluorescent lamps if the mercury content of the fluorescent lamps (1)  
214 exceeds ten milligrams, or (2) does not comply with the exemption  
215 requirements pursuant to subsection (a) of section 6 of this act.

216 (b) The commissioner shall exempt a mercury-added product from  
217 the limits on total mercury content set forth in subsection (a) of section  
218 6 of this act if the level of mercury or mercury compounds contained in  
219 the product are necessary to comply with federal or state health or  
220 safety requirements. In order to obtain an exemption under this  
221 subsection, the manufacturer shall provide the commissioner with  
222 justification for the claim of such exemption.

223 (c) A manufacturer of a mercury-added product or category of  
224 products may apply to the commissioner for a modified or conditional  
225 exemption for no more than two years from the limits on total mercury  
226 content set forth in subsection (a) of section 6 of this act: (1) The  
227 manufacturer shall apply for such an exemption (A) no later than one  
228 year before the effective date of the limit for which the exemption is  
229 being requested in the case of an existing product or category of  
230 products, or (B) prior to the sale or use by any means, including e-  
231 commerce, or distribution in the case of promotional purposes of a  
232 new product or category of products.

233 (2) An application for a modified or conditional exemption shall (A)  
234 document the basis for the requested exemption or renewal of  
235 exemption, (B) describe how the manufacturer will ensure that a



236 system exists for the proper collection, transportation and processing  
237 of the product or products at the end of their useful life, and (C)  
238 document the capability of all parties that are necessary to such system  
239 to perform as intended in such system.

240 (3) The commissioner may grant a modified or conditional  
241 exemption for a product or category of products upon finding (A) that  
242 a system exists for the proper collection, transportation and processing  
243 of the mercury-added product, including, but not limited to, a system  
244 for the direct return of a waste product to the manufacturer or a  
245 collection and recycling system that is supported by an industry or  
246 trade group, or other similar private or public sector efforts; and (B)  
247 that each of the following criteria is met: (i) Use of the product is  
248 beneficial to the environment or protective of public health or  
249 protective of public safety; (ii) there is no technically feasible  
250 alternative to use of mercury in the product; (iii) there is no  
251 comparable product, other than a mercury-added product, available at  
252 reasonable cost; and (iv) with respect to a renewal of an exemption,  
253 reasonable efforts have been made to remove mercury from the  
254 product.

255 (4) Prior to issuing a modified or conditional exemption, the  
256 commissioner may consult with states and provinces and regional  
257 governmental organizations to promote consistency in the  
258 implementation of this section.

259 (5) The commissioner may renew, for a period of no longer than two  
260 years, a modified or conditional exemption one or more times if (A)  
261 the manufacturer applies for the renewal, and (B) the commissioner  
262 finds that the manufacturer meets the requirements for such  
263 exemption as provided in this section and that the manufacturer has  
264 complied with all the conditions of the original approval.

265 Sec. 8. (NEW) (a) On and after July 1, 2003, no person shall offer for  
266 sale or use by any means, including e-commerce, or distribute for  
267 promotional purposes any mercury-added product unless both the

268 product and its packaging are labeled in accordance with this section,  
269 any regulations adopted pursuant to this section or the terms of any  
270 approved alternative labeling or notification granted under subsection  
271 (h) of this section. A retailer shall not be found in violation of this  
272 subsection if the retailer lacked knowledge that the product contained  
273 mercury.

274 (b) If a mercury-added product is a component of another product,  
275 the product containing the component and the component shall both  
276 be labeled as provided in this section. The label on a product  
277 containing a mercury-added component shall identify the component  
278 with sufficient detail so that the component may be readily located for  
279 removal.

280 (c) All labels shall be clearly visible prior to sale and shall inform the  
281 purchaser, using words or symbols, that mercury is present in the  
282 product and that the product should not be disposed of or placed in a  
283 waste stream destined for disposal until the mercury is removed and  
284 reused, recycled or otherwise managed to ensure that the mercury in  
285 the product does not become mixed with other solid waste or the  
286 waters of the state or is disposed in a pollution abatement facility or  
287 subsurface sewage disposal system.

288 (d) Labels affixed to the product shall be constructed of materials  
289 that are sufficiently durable to remain legible for the useful life of the  
290 product.

291 (e) On and after July 1, 2003, any person offering a mercury-added  
292 product for sale or use by any means, including e-commerce, or  
293 distributing such product for promotional purposes shall clearly  
294 advise in writing the purchaser or recipient prior to the time of sale,  
295 use or distribution that the product contains mercury. This  
296 requirement applies to all transactions in which the purchaser or  
297 recipient is unable to view the labels on the package or the product  
298 prior to purchase or receipt, including, but not limited to, catalog,  
299 telephone and e-commerce transactions.

300 (f) The manufacturer of a product shall be responsible for product  
301 and package labels required under this section, unless the wholesaler  
302 or retailer agrees in writing to accept the responsibility of  
303 implementing an alternative to the labeling requirements of this  
304 section approved under subsection (h) of this section.

305 (g) In the case of the following products: (1) Manufacturers shall  
306 meet all the requirements of this section for large appliances,  
307 including, but not limited to, washers, dryers, ovens, including  
308 microwave ovens, refrigerators, air conditioners, dehumidifiers or  
309 portable heaters sold in a store where such appliance is on display,  
310 except that no package labeling is required; (2) manufacturers shall  
311 meet all the requirements of this section for mercury fever  
312 thermometers, except that no product labeling is required; (3) in the  
313 case of vehicles, (A) manufacturers shall meet the product labeling  
314 requirements of this section for vehicles by placing a label on the door  
315 of the vehicles that lists the mercury-added components that may be  
316 present in the vehicle, and (B) manufacturers need not label the  
317 mercury-added components of the vehicle; (4) manufacturers shall met  
318 all the requirements of this section for button cell batteries containing  
319 mercury, except that no product labeling is required; and (5) in the  
320 case of products that contain button cell batteries containing mercury  
321 as the only mercury components, (A) manufacturers shall meet the  
322 packaging requirements of this section by including a label in the  
323 product instructions, if any, and on the packaging, and (B) no product  
324 labeling is required.

325 (h) A manufacturer may apply to the commissioner for an  
326 alternative to the requirements of subsections (a) to (g), inclusive, of  
327 this section (1) a manufacturer may apply if: (A) Compliance with the  
328 requirements is not feasible; (B) the proposed alternative would be at  
329 least as effective in providing presale notification of mercury content  
330 and in providing instructions on proper disposal; or (C) federal law  
331 preempts state authority over labeling.

332 (2) Applications for an alternative to the requirements of  
333 subsections (a) to (g), inclusive, of this section shall: (A) Document the  
334 justification for the requested alternative; (B) describe how the  
335 alternative ensures that purchasers or recipients of mercury-added  
336 products are made aware of mercury content prior to purchase or  
337 receipt; (C) describe how a person discarding the product will be made  
338 aware of the need for proper handling to ensure that it does not  
339 become solid waste or discharge to the waters of the state or is  
340 disposed in a pollution abatement facility or subsurface sewage  
341 disposal system; (D) document the capability of all parties necessary to  
342 implement the proposed alternative; and (E) describe the performance  
343 measures to be utilized by the manufacturer to demonstrate that the  
344 alternative is providing effective presale notification and predisposal  
345 notification.

346 (3) The commissioner may approve, deny, modify or condition a  
347 request for an alternative to the requirements of subsections (a) to (g),  
348 inclusive, of this section. An approval shall be for a period of no more  
349 than two years and may, upon continued eligibility under the criteria  
350 of this section and compliance with the conditions of its prior  
351 approval, be renewed. Requests for renewals shall be submitted ninety  
352 days before the expiration of the approval. Prior to approving an  
353 alternative, the commissioner shall consult with states, provinces and  
354 regional government organizations to insure that the commissioner's  
355 labeling requirements are consistent with those of other jurisdictions in  
356 the region. The commissioner may revoke an approval for cause.

357 Sec. 9. (NEW) (a) On and after July 1, 2003, no person shall (1)  
358 dispose of a mercury-added product or a mercury-added component  
359 in a manner other than by recycling or disposal in accordance with the  
360 provisions of section 22a-454 of the general statutes or Subtitle C of the  
361 Federal Resources Conservation and Recovery Act of 1976, 42 USC  
362 6901 et seq., as amended, or (2) discharge mercury to the waters of the  
363 state, a pollution abatement facility or subsurface sewage disposal  
364 system, unless such discharge is in compliance with all local, state and

365 federal applicable requirements.

366 (b) Each permittee of a solid waste facility shall (1) post signs at the  
367 facility providing notice of the prohibition of the disposal and  
368 incineration of mercury-added products; (2) provide written  
369 notification to the facility's customers on a frequency determined by  
370 the commissioner of the prohibition on the disposal and incineration of  
371 mercury-added products; and (3) implement a plan approved by the  
372 commissioner for periodically monitoring incoming wastes to detect  
373 the presence of mercury-added products at the facility.

374 (c) Solid waste disposal facilities, scrap metal processors or  
375 businesses that accept appliances or vehicles for disposal, reclamation  
376 or recycling shall remove mercury-added components, except for  
377 lamps used for back lighting and displays, prior to crushing,  
378 shredding or processing for disposal or reuse.

379 (d) A formulated mercury-added product that is a cosmetic or  
380 pharmaceutical product subject to the requirements imposed by the  
381 federal Food and Drug Administration is exempt from the provisions  
382 of this section.

383 Sec. 10. (NEW) (a) On and after July 1, 2002, no person shall offer  
384 any mercury-added product for sale or use by any means, including e-  
385 commerce, or distribute for promotional purposes unless the  
386 manufacturer either on its own or in concert with other persons has a  
387 plan approved by the commissioner for a collection system for such  
388 products. If a mercury-added product is a component of another  
389 product, the collection system shall provide for removal and collection  
390 of the mercury-added component or collection of both the mercury-  
391 added component and the product containing it.

392 (b) The collection system shall include (1) a public education  
393 program to inform the public about the purpose of the collection  
394 program and how to participate in it; (2) a targeted capture rate for the  
395 mercury-added product or component; (3) a plan for implementing

396 and financing the collection system; (4) documentation of the  
397 willingness of all parties to the system to implement the proposed  
398 collection system; (5) a description of the performance measures to be  
399 utilized and reported by the manufacturer to demonstrate that the  
400 collection system is meeting capture rate targets and other measures of  
401 program effectiveness as required by the commissioner; (6) a  
402 description of additional or alternative actions that will be  
403 implemented to improve the collection system and its operation in the  
404 event that the program targets are not met; and (7) a recycling or  
405 disposal plan.

406 (c) The commissioner shall encourage a manufacturer, in  
407 developing a collection system plan to utilize or expand existing  
408 collection and recycling infrastructure where feasible and cost-  
409 effective. In the event the manufacturer decides not to utilize existing  
410 local collection and recycling infrastructure, the manufacturer shall  
411 include in its collection system plan the reasons for its decision to  
412 establish a separate collection system.

413 (d) Within one year of approval by the commissioner of the  
414 collection system plan, the manufacturer or entity that submitted the  
415 plan on behalf of the manufacturer shall complete the implementation  
416 of such plan.

417 (e) Two years following the completion of the implementation of the  
418 collection system plan required under this section and biennially  
419 thereafter, the manufacturer or entity that submitted the plan on behalf  
420 of the manufacturer shall submit a report to the commissioner on the  
421 effectiveness of the collection system. The report shall include an  
422 estimate of the amount of mercury that was collected, the capture rate  
423 for the mercury-added products or components, the results of the  
424 other performance measures included in the manufacturer's collection  
425 system plan, and such other information as the commissioner may  
426 require. The commissioner shall make such reports available to the  
427 public.

428 (f) The cost for the collection system shall be borne by the  
429 manufacturer of the mercury-added product.

430 (g) The commissioner shall review the state regulatory requirements  
431 pursuant to chapter 445 of the general statutes governing handling of  
432 waste from mercury-added products and, if necessary, may amend  
433 regulations as appropriate to facilitate collection.

434 (h) Formulated mercury-added products intended to be consumed  
435 in use, including, but not limited to, reagents, cosmetics,  
436 pharmaceuticals and other laboratory chemicals, are exempt from the  
437 provisions of this section.

438 Sec. 11. (NEW) (a) On and after July 1, 2002, a manufacturer of  
439 formulated products that contain mercury or a mercury compound  
440 from any source or cause, whether intended or unintended, and are  
441 offered for sale or use by any means, including e-commerce, or  
442 distributed to a health care facility for promotional purposes shall  
443 provide both the commissioner and the recipient health care facility a  
444 certificate of analysis documenting the range of mercury content of the  
445 product. Sampling and analytical techniques used in the analysis shall  
446 be capable of detecting mercury to limits of one part per billion or less.

447 (b) The manufacturer shall develop and implement a plan to assure  
448 that the certificate of analysis accurately represents the mercury in a  
449 formulated product. Such plan shall, at a minimum, include an annual  
450 analysis of the formulated product.

451 Sec. 12. (NEW) (a) No person shall offer for sale or use by any  
452 means, including e-commerce, or distribute for promotional purposes  
453 or provide elemental mercury without providing a Material Safety  
454 Data Sheet, as defined in 42 USC 11049. On and after July 1, 2002, the  
455 seller, distributor or provider shall require the purchaser or recipient at  
456 the time of receipt of any elemental mercury to sign a statement that  
457 the purchaser or recipient (1) will use the mercury only for medical,  
458 dental amalgam dispose-caps, research or manufacturing purposes; (2)

459 understands that mercury is toxic and that the purchaser will store and  
460 use it appropriately so that no person is exposed to the mercury; and  
461 (3) will not place or allow anyone under the control of the purchaser or  
462 recipient to cause the mercury to become solid waste or be discharged  
463 into waters of the state or be disposed of in a pollution abatement  
464 facility or subsurface sewage disposal system.

465       Sec. 13. (NEW) Mercury-added products with a code or date of  
466 manufacture indicating they were manufactured prior to July 1, 2001,  
467 or mercury-added products for which the manufacturer provides  
468 documentation that the product was manufactured prior to July 1,  
469 2001, are exempt from sections 5 to 7, inclusive, of this act and sections  
470 9 and 11 of this act.

471       Sec. 14. (NEW) (a) The commissioner, in consultation with other  
472 state agencies, may implement a comprehensive program for public  
473 education, outreach and assistance for manufacturers, households,  
474 waste generators, local and regional solid waste management agencies,  
475 businesses, health care facilities, scrap metal processors, recyclers,  
476 dismantlers, institutions, schools and other interested groups. This  
477 public education, outreach and assistance program may focus on the  
478 hazards of mercury; the requirements and obligations of individuals,  
479 manufacturers and agencies under this act and voluntary efforts that  
480 individuals, institutions and businesses can undertake to help further  
481 reduce mercury in the environment. The commissioner, in conjunction  
482 with manufacturers of mercury-added products and other affected  
483 businesses, may promote the development and implementation of  
484 such public education and technical assistance programs.

485       (b) The commissioner may cooperate with other states and  
486 provinces and regional organizations in developing public education,  
487 outreach and assistance programs.

488       (c) The commissioner may develop an awards program to recognize  
489 the accomplishments of manufacturers, municipalities, waste  
490 management facilities, waste recycling facilities, household hazardous



491 waste collection facilities, citizens or others who exceed the minimum  
492 requirements pursuant to sections 4 to 13, inclusive, of this act, and  
493 excel at reducing or eliminating mercury in air emissions or releases.

494 (d) The commissioner shall prepare and publish guidelines for best  
495 management practices for dental offices and laboratories. Such  
496 guidelines shall not be considered "regulations" as defined in section 4-  
497 166 of the general statutes.

498 Sec. 15. (NEW) (a) No later than July 1, 2002, the Department of  
499 Administrative Services shall revise its policies, rules and procedures  
500 to give priority and preference to the purchase of equipment, supplies  
501 and other products that contain no mercury-added compounds or  
502 components, unless there is no economically feasible alternative  
503 product, other than a mercury-added product that performs a similar  
504 function or produces a product of comparable quality. In  
505 circumstances where a product other than a mercury-added product is  
506 not available, preference shall be given to the purchase of products  
507 that contain the least amount of mercury-added to the product  
508 necessary for the required performance.

509 (b) The Commissioner of Administrative Services may give a price  
510 preference of up to ten per cent for products that contain no mercury  
511 or less mercury for all state purchases, including purchases made by  
512 other state agencies with state funds. Energy efficient lamps for  
513 lighting purposes shall be purchased in preference to other less  
514 efficient lighting options. To the maximum extent possible, purchases  
515 shall be restricted to lamps that contain the lowest total mercury  
516 content per lumen hour available. The state shall, to the maximum  
517 extent feasible, recycle spent lamps.

518 (c) The Commissioner of Administrative Services shall specify  
519 products other than mercury-added products or reduced mercury-  
520 added products, as applicable, in procurement bid documents.

521 (d) State contracts for employee dental insurance negotiated after

522 the effective date of this section shall provide equal coverage for  
523 fillings other than mercury-added fillings and mercury amalgam  
524 fillings at no additional expense to the state employee.

525       Sec. 16. (NEW) The commissioner shall, in consultation with the  
526 Conference of the New England Governors/Eastern Canadian  
527 Premiers Environment Committee, review the effectiveness of sections  
528 1 to 18, inclusive, of this act, no later than four years after the effective  
529 date of this act and shall provide a report based upon such review to  
530 the Governor and the General Assembly. The report shall review the  
531 effectiveness of the programs required under sections 1 to 18,  
532 inclusive, of this act, and may contain recommendations for improving  
533 them. As part of this review, the commissioner shall evaluate the  
534 effectiveness of the collection systems established in section 10 of this  
535 act, and determine whether additional state authority or targeted  
536 capture rates are needed to improve such systems. The commissioner  
537 shall evaluate the need for additional incentives for manufacturers of  
538 mercury-added products that are below ten milligrams to reduce the  
539 amount of mercury in such products.

540       Sec. 17. (NEW) Prior to the issuance of any exemptions as provided  
541 in section 7 of this act or approval of alternative labeling requirements,  
542 as provided in section 8 of this act, the commissioner shall provide  
543 public notice and an opportunity for comment not less than thirty days  
544 from such issuance or approval.

545       Sec. 18. (NEW) The commissioner may adopt regulations, in  
546 accordance with chapter 54 of the general statutes, to implement the  
547 provisions of sections 1 to 17, inclusive, of this act, and to establish fees  
548 that manufacturers shall pay that are sufficient to cover the costs of  
549 administering the provisions of sections 1 to 17, inclusive, of this act,  
550 and to implement the provisions of said sections 1 to 17, inclusive.

551       Sec. 19. This act shall take effect July 1, 2001.

***Statement of Purpose:***

To restrict the sale and use of products containing mercury to work toward the virtual elimination of the discharge of anthropogenic mercury.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*